Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-A

BANGALORE, SUNDAY, APRIL 18, 1965
(CHAITRA 28, SAKA ERA 1887).

No. 90

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 615—L. A., Bangalore-1, dated 18th April 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Land Revenue (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LAND REVENUE (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Land Revenue Act, 1964.

WHEREAS it is expedient to amend the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called tht Mysore Land Revenue (Amendment) Act, 1965.

(2) This section and clauses (1), (2) and (3) of section 2, and sections 3, 4, 5, 6, 7 and 8 shall be deemed to have come into force on the first day of April 1964, and clause (4) of section 2 and section 9 shall come into force on the date of publication of this Act in the official Gazette.

2. **Amendment of section 2.**—In section 2 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) (hereinafter referred to as the principal Act),—

(1) in clause (7), for the word "land", the words "any class of land" shall be substituted ;

(2) for clause (8), the following clause shall be substituted, namely :—

"(8) 'class of land' means any of the following classes of land, namely, dry land, wet land, garden land or plantation land ;

Explanations.—For purposes of this Act,—

(*a*) 'dry land' means—

(*i*) land classified as dry land under any law repealed by section 202, or any law in force at any time before the commencement of this Act ;

(*ii*) land in which wet crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government :

(*b*) "wet land" means land in which wet crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government ;

(*c*) 'garden land' means land in which garden crops other than plantation crops can be grown, and shall consist of dry garden land and wet garden land ; and

(*i*) 'dry garden land' means land classified as such under any law repealed by section 202 or any law in force at any time before the commencement of this Act, or garden land in which wet garden crops cannot be grown except when irrigattd by water obtained from any source of water which is the property of the State Government ;

(*ii*) 'wet garden land' means land in which wet garden crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government ;

(*d*) 'plantation land' means land in which a plantation crop, that is, cardamom, coffee, pepper, rubber or tea, can be grown."

(3) for the Explanation to clause (20), the following Explanation shall be substituted, namely :—

"*Explanation* :—A ryotwari pattadar in the Madras Area and Bellary District, a pattadar or shikmidar in the Hyderabad Area and a holder or land-holder in the Coorg District shall be deemed to be an occupant of such land for purposes of this Act".

(4) in clause (27),—

(*i*) for the words "six and one-fourth per cent", the words "four per cent" shall be substituted ; and

(*ii*) to the clause, the following proviso shall be added, namely :—

"Provided that with reference to any plantation land, the standard rate shall be the value of one per cent of the average yield of crops per acre on the land in that class of one hundred per cent classification value;"

3. Amendment of section 60.—In clause (*b*) of section 60 of the principal Act, for the words "and any tax", the words "and includes any tax" shall be substituted.

4. Amendment of section 79.—In sub-section (2) of section 79 of the principal Act, for the words "Patasthal wet lands", the words "Motasthal wet lands" shall be substituted.

5. Amendment of section 121.—In the proviso to sub-section (1) of section 121 of the principal Act, for the words "no increase in the standard rates proposed in the Settlement Report shall be made", the words "no order modifying the Settlement Report which has the effect of increasing the standard rates proposed in respect of any class of land in such Report, shall be made by the State Government" shall be substituted.

6. Amendment of section 122.—In section 122 of the principal Act,—

(1) for the words "such date as the State Government may direct", the words "such date, which may be prospective or retrospective, as the State Government may, by notification, specify" shall be substituted;

(2) for the proviso, the following proviso shall be substituted, namely:—

"Provided that where the settlement is introduced during the course of any revenue year, the retrospective date so specified shall not be any date other than the date of commencement of that revenue year."

7. Amendment of section 124.—In section 124 of the principal Act,—

(1) for the words "any law for the time in force", the words "any law for the time being in force" shall be substituted; and

(2) at the end, the following Explanation shall be inserted, namely:—

"*Explanation*:—'ordinary land revenue' means the land revenue payable in respect of any land when no advantage by the úse of water from a source of water which is the property of the State Government, accrues to such land."

8. Amendment of section 125.—In section 125 of the principal Act, for the words, figures tnd brackets "direct at the time of passing order under sub-section (1) of section 121", the words "at any time direct" shall be substituted..

9. Provision relating to certain Settlement Reports.—Notwithstanding anything contained in the principal Act and the rules and orders made thereunder,—

(*a*) the Settlement Reports laid before each House of the State Legislature under sub-section (1) of section 121 of the principal Act, and pending befort the State Legislature on the date of commencement of this section, shall be deemed to have been modified in accordance with the provisions of the principal Act as amended by this Act; and

(*b*) on the approval of such Settlement Reports, with such other modifications as the State Legislature may make, the State Government shall pass orders under section 121 of the principal Act in conformity with such approval, and assessmtnt of the ordinary land revenue in respect of any land shall be fixed accordingly.

STATEMENT OF OBJECTS AND REASONS.

It is considered that in respect of dry lands, rain-fed wet lands and rain-fed garden lands, standard rate of land revenue for land of one hundred per cent classification value in that class should be four per cent of the value of the average yield of such land. It is also considered that in respect of plantations, the standard rate should be one per cent of the value of the average yield of lands of that class of one hundred per cent classification value.

In so far as the irrigated wet lands and irrigated garden lands are concerned, it is considered that for the purposes of land revenue, they should be treated as though they are dry lands and the land revenue applicable to the lands of that classification value of dry land of that class in that locality should be levied and that water rate may be levied separately under the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

It was originally intended that the new rates of assessment should be brought into force from the year 1965-66. On account of the fact that the consideration of the Settlement Reports has taken more time than was anticipated, it is proposed to make necessary amendments so as to enable Government to levy land revenue according to resettlement even if the new rates are actually introduced in the course of the revenue year.

Hence the Bill.

Opportunity has been taken to make certain other amendments of a minor nature.

M. V. KRISHNAPPA.

T. HANUMANTHAPPA,
Secretary,
Mysore Legislature.

ANNEXURE

Extracts from the Mysore Land Revenue Act, 1964.

2. *Definitions.*—In this Act, unless the context otherwise requires :—

*

(7) "classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, water and other advantages ;

(8) "class of land" means any of the following classes of land, namely, dry land, wet land, or garden land ;

* * * *

(20) "occupant" means a holder in actual possession of unalienated land other than the tenant :

Provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant ;

Explanation.—The grantee of a raiyatwari patta in respect of any land in the Madras Area and Bellary District shall be deemed to be the occupant of such land for purposes of this Act ;

*

(27) "standard rate" means with reference to any particular class of land in a group, the value of six and one-fourth per cent of the average yield of crops per acre on land in that class of one hundred per cent classification value ;

60. *Definitions.*—In this Chapter, unless the context otherwise requires,—

(*a*) 'land' includes the sites of villages, towns and cities, trees growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries ;

(*b*) 'land revenue' means all sums and payments in money or in kind received or claimable by, or on behalf of Government from any person on account of land held by, or vested in, him, and any tax, cess, rate or other impost payable under the provisions of any law for the time being in force.

*

79. *Regulation of supply of firewood and timber for domestic or other purposes.*—(1) In any village or land in which the rights of the State Government to the trees have been reserved under section 75 subject to certain privileges of tht villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes and in any land which has been set apart under section 71 for forest reserve subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by such rules as may be prescribed, or by orders to be made either generally or in any particular instance by the Deputy Commissioner or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising such privileges, the decision of the Deputy Commissioner or of such officer shall be final.

(2) Notwithstanding anything contained in subsection (1) but subject to such general or special orders that may be issued by the State Government from time to time, the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan

and Soppina Betta lands in Mysore Area, Jamma and Bane in Coorg District and Patasthal wet lands in Hyderabad Area shall continue.

*

121. *Settlement Report to be approved by State Legislature.*—(1) The Settlement Report, together with objections, if any, received thereon shall be laid before each House of the State Legislature, and after both Houses approve the Report with or without any modification by a resolution moved in this behalf, the State Government shall pass orders in conformity with such resolution:

Provided that no increase in the standard rates proposed in the Settlement Report shall be made unless a fresh notice as provided in section 119 has been published in each village affected by such rates, and after considering the objections, if any, received, such rates are approved by a resolution moved in this behalf by both Houses of the State Legislature.

(2) The orders passed by the State Government under sub-section (1) shall be final and shall not be called in question in any Court.

122. *Introduction of settlement.*—After the State Government has passed orders under section 121 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the State Government may direct:

Provided that in the year in the course of which a survey settlement, whether original or revised, may be introduced under this section, the revised assessment shall be levied only from the next following year.

* * * *

124. *The fixing of assessment under Act limited to ordinary land revenue.*—The fixing of the assessment under the provisions of this Act shall be limited to the assessment

of the ordinary land revenue and such fixation shall not preclude the levy of any rate for the use of water or of any cess, which may be imposed under any law for the time in force.

125. *Power of State Government to direct assessment for irrigation facilities.*—Notwithstanding anything contained in htis Chapter the State Government may direct at the time of passing order under sub-section (1) of section 121 that any land in respect of which a settlement is made under this Chapter, shall be liable to be assessed to additional land revenue during the term of settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the State Government has directed the settlement under section 114, and not affected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no water rate in respect of such additional advantage is levied under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957):

Provided that the State Government shall, before making such direction publish a notice in this behalf in the village concerned in Kannada and in such language of the village, if any, as may be directed by the State Government in this behalf, and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be made until after the expiry of the period of six months from the date of publication of such notice.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.